

October 18, 2017

Via Hand Delivery

Michael Von Rembow
Advanced Metal Finishing, LLC
2130 March Road
Roseville, CA 95747

**Re: 60-Day Notice of Violations and Intent to File Suit Under the Federal Water
Pollution Control Act ("Clean Water Act")**

To Officers, Directors, Operators, Property Owners and/or Facility Managers of Advanced Metal
Finishing, LLC:

The California Environmental Protection Association ("CEPA") provides this 60-day Notice of violations of the Federal Clean Water Act ("CWA" or "Act") 33 U.S.C. § 1251 *et seq.*, that CEPA believes are occurring at the Advanced Metal Finishing facility located at 2130 March Road in Roseville, California ("the Facility" or "the site"). Pursuant to CWA §505(b) (33 U.S.C. §1365(a)), this Notice of violations ("Notice") is being sent to you as the responsible property owners, officers, operators or managers of the Facility, as well as to the U.S. Environmental Protection Agency ("EPA"), the U.S. Attorney General, the California State Water Resources Control Board ("SWRCB"), and the California Central Valley Regional Water Quality Control Board ("RWQCB").

CEPA is an environmental citizen's group established under the laws of the State of California to protect, enhance, and assist in the restoration of all rivers, creeks, streams, wetlands, vernal pools, and tributaries of California.

This Notice addresses the violations of the CWA and the terms of California's Statewide General Permit for Dischargers of Storm Water for Industrial Activities ("General Permit") arising from the unlawful discharge of pollutants from the Facility into Dry Creek, a tributary of the Sacramento River. The Sacramento River is included on the 303(d) list as impaired for mercury and unknown toxicities.

Advanced Metal Finishing (the “Discharger”) is hereby placed on formal notice by CEPA that after the expiration of sixty (60) days from the date this Notice was delivered, CEPA will be entitled to bring suit in the United States District Court against the Discharger for continuing violations of an effluent standard or limitation, National Pollutant Discharge Elimination System (“NPDES”) permit condition or requirement, or Federal or State Order issued under the CWA (in particular, but not limited to, § 301(a), § 402(p), and § 505(a)(1)), as well as the failure to comply with requirements set forth in the Code of Federal Regulations.

I. THE SPECIFIC STANDARD, LIMITATION, OR ORDER VIOLATED

The Discharger filed a Notice of Intent (“NOI”) on July 21, 2015, with respect to the Facility, agreeing to comply with the terms and conditions of the General Permit. The SWRCB approved the NOI, and the Discharger was assigned Waste Discharger Identification (“WDID”) number 5S311025849.

However, in its operations of the Facility, the Discharger has failed and is failing to comply with specific terms and conditions of the General Permit as described in Section II below. These violations are continuing in nature. Violations of the General Permit are violations of the CWA, specifically CWA § 301(a) and CWA § 402(p). Therefore, the Discharger has committed ongoing violations of the substantive and procedural requirements of CWA § 402(p) and of NPDES Permit No. CAS000001, State Water Resources Control Board Order 2014-0057-DWQ (the “General Permit”) relating to industrial activities at the Facility.

II. VIOLATIONS OF THE CLEAN WATER ACT AND GENERAL PERMIT

A. Facility Operations

Operations at the Discharger’s Facility include cleaning, anodizing, plating, dyeing, sealing and rinsing and otherwise finishing of metals for customers.

Facility operations are covered under Standard Industry Classification (SIC) Code 3471 – Electroplating, Plating, Polishing, Anodizing and Coloring of Metals.

Because the real property on which the Facility is located is subject to rain events, the range of pollutants discharged from the Facility and identified in this Notice discharge indirectly into the Sacramento River.

B. Advanced Metal Finishing's Specific Violations

1. Failure to File Complete Annual Report

Pursuant to Section XVI.A of the General Permit, all Dischargers must certify and submit via the Storm Water Multiple Application and Report Tracking System ("SMARTS") an Annual Report no later than July 15th following each reporting year [July 1 through June 30 of each year], using the standardized format and checklists contained within the SMARTS database system.

Pursuant to Section XVI.B of the General Permit, the Annual Report must contain the following elements: (a) a Compliance Checklist that indicates whether the Discharger has complied with and addressed all applicable requirements of the General Permit; (b) an explanation for any non-compliance with requirements within the reporting year, as indicated in the Compliance Checklist; (c) an identification, including page numbers and/or sections, of all revisions made to the stormwater pollution prevention plan ("SWPPP") within the reporting year; and (d) the date(s) of the required Annual Evaluation.

Advanced Metal Finishing's Annual Report uploaded into the SMARTS database system for the reporting year ending June 30, 2017, was essentially nothing more than a cover page and was missing all the above elements.

2. Deficient BMP Implementation

Sections I.C. V.A and X.C.1.b of the General Permit require Dischargers to identify and implement minimum and advanced Best Management Practices ("BMPs") that comply with the Best Available Technology ("BAT") and Best Conventional Pollutant Control Technology ("BCT") requirements of the General Permit to reduce or prevent discharges of pollutants in their storm water discharge in a manner that reflects best industry practice considering technological availability and economic practicability and achievability.

On August 17, 2015, Rich Muhl from the Central Valley Regional Water Quality Control Board inspected the Facility. During that inspection, he noted the following:

1. Several totes containing hazardous wastes were stored outside the main facility building on asphalt surface without secondary containment;
2. A concrete pad located on the western portion of the building which included a chiller, compressor, electrical panel and other equipment was entirely exposed to storm water runoff, and several drums without secondary containment were stored on the concrete pad;
3. Equipment was stored (uncovered and uncontained) on top of multiple large storage containers north of the main building; and
4. Pollutants venting to the multiple downspouts on the roof were potentially discharging onto the asphalt surfaces and into storm water runoff.

On July 1, 2016, the Discharger was accelerated to Level 1 Status pursuant to Section XII.C of the General Permit, for exceedances of copper, nitrates and zinc. Pursuant to the General Permit, the Facility was evaluated, and a Level 1 Exceedance Response Evaluation Report was completed and certified on December 9, 2016.

The Level 1 ERA evaluation, completed by Jim Miile of Chemical Solutions, noted the following deficiencies in BMP implementation at the site:

1. The equipment pad at the rear of the building was not contained;
2. The equipment storage at the back corner of the parking lot was uncovered and open to storm water runoff;
3. Storage containers on the north side of the building were rusting;
4. Dust from vehicles collecting from driveways on both sides of the building was flowing to discharge;
5. Beadblast dust and metals were venting to the roof and then discharging;
6. Downspurt drains across equipment pad needed to be diverted; and
7. Equipment painting needed to be completed.

It is apparent that the Discharger failed to correct the BMP deficiencies noted by the Water Board inspector on August 17, 2015, with regard to at least the equipment pad, storage containers and downspouts. The Discharger's continued parameter exceedances as listed in Section 4, below, are further evidence of its failure to adequately implement proper BMPs at the facility.

3. Failure to Collect and Analyze Storm Water Samples Pursuant to the General Permit

The Discharger has failed to provide the RWQCB with the minimum number of annual documented results of facility run-off sampling as required under Sections XI.B.2 and XI.B.11.a of Order No. 2014-0057-DWQ, in violation of the General Permit and the CWA.

Section XI.B.2 of the General Permit requires that all Dischargers collect and analyze storm water samples from two Qualifying Storm Events ("QSEs") within the first half of each reporting year (July 1 to December 31), and two (2) QSEs within the second half of each reporting year (January 1 to June 30).

A QSE is a precipitation event that produces a discharge for at least one drainage area and is preceded by forty-eight (48) hours with no discharge from any drainage area.

Furthermore, Section XI.B.11.a requires Dischargers to submit all sampling and analytical results for all individual or Qualified Combined Samples via SMARTS within thirty (30) days of obtaining all results for each sampling event. Section XI.C.6.b provides that if samples are not collected pursuant to the General Permit an explanation must be included in the Annual Report.

As of the date of this Notice, the Discharger has failed to upload into the SMARTS database system:

- a. One storm water sample analyses for the time period July 1, 2016, through December 31, 2016 (one storm water sample was taken on 12-23-16). Qualified Storm Events occurred in the vicinity of the Facility on at least the following relevant dates: 10/14/16, 10/27/16, 11/19/16, 11/26/16, 12/8/16, 12/15/16 (2"), and 12/23/16.

4. *Discharges in Violation of the General Permit*

Section 402(p) of the Clean Water Act prohibits the discharge of storm water associated with industrial activities, except as permitted under an NPDES permit such as the General Permit. 33 U.S.C. § 1342. Sections I.C.27 and III.A and B of the General Permit prohibit the discharge of materials other than storm water (defined as non-storm water discharges) that discharge either directly or indirectly to waters of the United States. Section XXI.A of the General Permit requires Dischargers to comply with effluent standards or prohibitions established under section CWA 307(a) for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions.

Sections III and VI of the General Permit prohibit storm water discharges and authorized non-storm water discharges to surface or groundwater that adversely impact human health or the environment; cause or threaten to cause pollution, contamination, or nuisance; cause or contribute to an exceedance of any applicable water quality standards in any affected receiving water; violate any discharge prohibitions contained in applicable Regional Water Board Water Quality Control Plans (Basin Plans) or statewide water quality control plans and policies; or contain hazardous substances equal to or in excess of a reportable quantity listed in 40 Code of Federal Regulations sections 110.6, 117.21, or 302.6.

The Discharger's sampling and analysis results reported to the RWQCB confirm discharges of specific pollutants and materials other than storm water, in violation of the Permit provisions listed above. Self-monitoring reports under the Permit are deemed "conclusive evidence of an exceedance of a permit limitation." *Sierra Club v. Union Oil*, 813 F.2d 1480, 1492 (9th Cir. 1988).

Table 2 of the General Permit (TABLE 2: *Parameter NAL Values, Test Methods, and Reporting Units*) outlines specific Annual and Instantaneous Numeric Action Levels ("NAL") for common parameters. A copy of Table 2 is included with this Notice.

The following discharges of pollutants from the Facility have violated Discharge Prohibitions and Receiving Water Limitations of the General Permit and are evidence of ongoing violations of Effluent Limitations:

Date	Discharge Point	Parameter	Concentration in Discharge	NAL Annual & Instantaneous Value
11/2/15	S-01	Copper	0.089 mg/L	0.0332 mg/L
11/2/15	S-01	Zinc	0.55 mg/L	0.26 mg/L
11/2/15	S-01	Nitrate + Nitrite	3.8 mg/L	0.68 mg/L
11/2/15	S-02	Copper	0.26 mg/L	0.0332 mg/L
11/2/15	S-02	Zinc	0.77 mg/L	0.26 mg/L
11/2/15	S-02	Nitrate + Nitrite	4.7 mg/L	0.68 mg/L
4/22/16	S-01	Copper	0.059 mg/L	0.0332 mg/L
4/22/16	S-02	Copper	0.058 mg/L	0.0332 mg/L
4/12/17	S-01	Copper	0.057 mg/L	0.0332 mg/L
4/12/17	S-01	Zinc	0.28 mg/L	0.26 mg/L
4/12/17	S-01	Nitrate + Nitrite	1.3 mg/L	0.68 mg/L
4/12/17	S-02	pH	5.93	6-9
4/12/17	S-02	Aluminum	0.87 mg/L	0.75 mg/L
4/12/17	S-02	Nitrate + Nitrite	0.74 mg/L	0.68 mg/L
6/8/17	S-01	pH	5.93	6-9
6/8/17	S-01	Copper	0.068 mg/L	0.0332 mg/L
6/8/17	S-01	Nitrate + Nitrite	0.71 mg/L	0.68 mg/L
6/8/17	S-01	Iron	1.4 mg/L	1.0 mg/L
6/8/17	S-01	Zinc	0.29 mg/L	0.26 mg/L
6/8/17	S-01	Copper	0.036 mg/L	0.0332 mg/L
6/8/17	S-01	Nitrate + Nitrite	1.6 mg/L	0.68 mg/L

Based on the test results summarized above, the Discharger has an annual average numerical action limit (NAL) exceedance for the Fiscal Year ending June 30, 2017, for nitrates and copper; and an instantaneous NAL exceedance for pH for that same time period. These results have elevated the Discharger to Level 2 Status as of July 1, 2017, for nitrates and copper, and Level 1 status for pH, pursuant to Section XII of the General Permit – Exceedance Response Actions.

The Discharger may have had other violations that can only be fully identified and documented once discovery and investigation have been completed. Hence, to the extent possible, CEPA includes such violations in this Notice and reserves the right to amend this Notice, if necessary, to include such further violations in future legal proceedings.

The violations discussed herein are derived from eye witness reports and records publicly available. These violations are continuing.

The Facility discharges to Dry Creek, which is a tributary of the Sacramento River, both waters of the United States. All illegal discharges and activities described in this Notice occurred in close proximity to the above-identified waters. During storm events, discharges from the Facility are highly likely to discharge to said waters.

The RWQCB has determined that the watershed areas and affected waterways identified in this Notice are beneficially used for: water contact recreation, non-contact water recreation, fish and wildlife habitat, preservation of rare and endangered species, fish migration, fish spawning, navigation, and sport fishing. Information available to CEPA indicates the continuation of unlawful discharges of pollutants from the Facility into waters of the United States, in violation of the General Permit and the CWA. CEPA is informed and believes, and on such information and belief alleges, that these illegal discharges will continue to harm beneficial uses of the above-identified waters until the Discharger corrects the violations outlined in this Notice.

III. THE PERSON OR PERSONS RESPONSIBLE FOR THE VIOLATIONS

The entity responsible for the alleged violations is Advanced Metal Finishing ("the Discharger"), and its employees responsible for compliance with the CWA.

IV. THE LOCATION OF THE VIOLATIONS

The location of the point sources from which the pollutants identified in this Notice are discharged in violation of the CWA is Advanced Metal Finishing's permanent facility address of 2130 March Road, in Roseville, California, and includes the adjoining navigable waters of Dry Creek and the Sacramento River, respectively - both waters of the United States.

V. THE DATE, DATES, OR REASONABLE RANGE OF DATES OF THE VIOLATIONS

The range of dates covered by this 60-day Notice is from at least November 2, 2015, to the date of this Notice. CEPA may from time to time update this Notice to include all violations which may occur after the range of dates covered by this Notice. Some of the violations are continuous in nature; therefore, each day constitutes a violation.

VI. CONTACT INFORMATION

The entity giving this 60-day Notice is the California Environmental Protection Association ("CEPA").

To ensure proper response to this Notice, all communications should be addressed as follows:

Xhavin Sinha, Attorney for
CALIFORNIA ENVIRONMENTAL PROTECTION ASSOCIATION
1645 Willow Street, #150
San Jose, CA 95125
Telephone: (408) 791-0432
Email: xsinha@sinha-law.com

VII. PENALTIES

The violations set forth in this Notice affect the health and enjoyment of members of CEPA who reside near and recreate in the Sacramento River area. Members of CEPA use the Sacramento River for recreation, sports, fishing, swimming, boating, hiking, photography, nature walks and the like. Their health, use and enjoyment of this natural resource is specifically impaired by the Discharger's violations of the CWA as set forth in this Notice.

CWA §§ 505(a)(1) and 505(f) provide for citizen enforcement actions against any "person," including individuals, corporations, or partnerships, for violations of NPDES permit requirements and for un-permitted discharges of pollutants. 33 U.S.C. §§ 1365(a)(1) and (f), §1362(5). An action for injunctive relief under the CWA is authorized by 33 U.S.C. §1365(a). Violators of the Act are also subject to an assessment of civil penalties of up to \$37,500 per day/per violation for all violations pursuant to Sections 309(d) and 505 of the Act, 33 U.S.C. §§ 1319(d), 1365. See also 40 C.F.R. §§ 19.1-19.4.

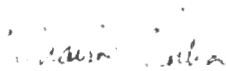
CEPA believes this Notice sufficiently states grounds for filing suit in federal court under the "citizen suit" provisions of CWA to obtain the relief provided for under the law.

VIII. CONCLUSION

The CWA specifically provides a 60-day notice period to promote resolution of disputes. CEPA encourages the Discharger and/or its counsel to contact CEPA or its counsel within 20 days of receipt of this Notice to initiate a discussion regarding the violations detailed herein.

During the 60-day notice period, CEPA is willing to discuss effective remedies for the violations, however, if the Discharger wishes to pursue such discussions in the absence of litigation, it is suggested those discussions be initiated soon so that they may be completed before the end of the 60-day notice period. CEPA reserves the right to file a lawsuit if discussions are continuing when the notice period ends.

Very truly yours,



Xhavin Sinha
Attorney for CALIFORNIA ENVIRONMENTAL PROTECTION ASSOCIATION

Attachments:

Table 2 of the General Permit - *Parameter NAL Values, Test Methods, and Reporting Units*

Copies to:

Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Executive Director
State Water Resources Control Board
P.O. Box 100
Roseville, CA 95812-0100

Jeff Sessions, U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Regional Administrator
U.S. EPA – Region 9
75 Hawthorne Street
San Francisco, CA, 94105

Executive Officer
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive #200
Rancho Cordova, CA 95670

TABLE 2: Parameter NAL Values, Test Methods, and Reporting Units

PARAMETER	TEST METHOD	REPORTING UNITS	ANNUAL NAL	INSTANTANEOUS MAXIMUM NAL
pH*	See Section XI.C.2	pH units	N/A	Less than 6.0 Greater than 9.0
Suspended Solids (TSS)*, Total	SM 2540-D	mg/L	100	400
Oil & Grease (O&G)*, Total	EPA 1664A	mg/L	15	25
Zinc, Total (H)	EPA 200.8	mg/L	0.26**	
Copper, Total (H)	EPA 200.8	mg/L	0.0332**	
Cyanide, Total	SM 4500-CN C, D, or E	mg/L	0.022	
Lead, Total (H)	EPA 200.8	mg/L	0.262**	
Chemical Oxygen Demand (COD)	SM 5220C	mg/L	120	
Aluminum, Total	EPA 200.8	mg/L	0.75	
Iron, Total	EPA 200.7	mg/L	1.0	
Nitrate + Nitrite Nitrogen	SM 4500-NO3- E	mg/L as N	0.68	
Total Phosphorus	SM 4500-P B+E	mg/L as P	2.0	
Ammonia (as N)	SM 4500-NH3 B+ C or E	mg/L	2.14	
Magnesium, total	EPA 200.7	mg/L	0.064	
Arsenic, Total (c)	EPA 200.8	mg/L	0.15	
Cadmium, Total (H)	EPA 200.8	mg/L	0.0053**	
Nickel, Total (H)	EPA 200.8	mg/l	1.02**	
Mercury, Total	EPA 245.1	mg/L	0.0014	
Selenium, Total	EPA 200.8	mg/L	0.005	
Silver, Total (H)	EPA 200.8	mg/L	0.0183**	
Biochemical Oxygen Demand (BOD)	SM 5210B	mg/L	30	

SM – Standard Methods for the Examination of Water and Wastewater, 18th edition

EPA – U.S. EPA test methods

(H) – Hardness dependent

* Minimum parameters required by this General Permit

**The NAL is the highest value used by U.S. EPA based on their hardness table in the 2008 MSGP.